

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE THE APPLICATION OF AMGEN
INC.

)
)
)
) Misc. Case. No. _____
)
)
)
)

**EX PARTE APPLICATION PURSUANT TO 28 U.S.C. § 1782 FOR AN ORDER
AUTHORIZING DISCOVERY FOR USE IN A FOREIGN PROCEEDING**

Applicant Amgen Inc. (“Amgen”) respectfully requests an order in the form of the attached proposed order permitting Amgen to obtain discovery pursuant to 28 U.S.C. § 1782 from Sandoz Inc. in connection with contemplated actions seeking preliminary injunctions against Sandoz GmbH in the Commercial Court Vienna and Lek Pharmaceuticals d.d. in the District Court of Ljubljana. The grounds for this application are set forth in Amgen’s Memorandum of Law in Support of its *Ex Parte* Application Pursuant to 28 U.S.C. § 1782 and the supporting Declarations of Helena Butolen, Dominik Göbel, and Brian P. Egan filed contemporaneously herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Brian P. Egan

Jack B. Blumenfeld (#1014)
Brian P. Egan (#6227)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
began@morrisnichols.com
cclark@morrisnichols.com

Attorneys for Applicant Amgen Inc.

May 9, 2023

THIS CAUSE, having come before the Court pursuant to the *ex parte* Application of Amgen Inc. (“Amgen”) Pursuant to 28 U.S.C. § 1782 for an order authorizing Amgen to obtain certain limited discovery under 28 U.S.C. § 1782 from Sandoz Inc. (“Sandoz”).

The Court, having considered the Application and supporting Brief, Declarations, and Exhibits, finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied, and (2) the discretionary factors identified by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) weigh in favor of granting Amgen’s Application.

IT IS HEREBY ORDERED that:

1. Amgen's Application is GRANTED;
2. Amgen is authorized to take discovery from Sandoz Inc. by issuing subpoenas seeking documents and deposition testimony in the forms attached as Exhibits A and B to the Declaration of Brian P. Egan (the "Subpoenas") along with a copy of this Order;
3. Sandoz shall produce the requested documents within twenty-one (21) days of service of the Subpoenas;

4. Sandoz shall produce a witness knowledgeable of the topics listed in the Subpoenas within thirty-five (35) days service of the Subpoenas, but no earlier than seven days after the production of the requested documents; and

5. Until further order of the Court, Sandoz shall preserve all documents (electronic or otherwise), and any other evidence in its possession, custody, or control that contains information potentially relevant to the subject matter of the foreign proceedings at issue in the Application.

Dated this ____ day of _____, 2023.

UNITED STATES DISTRICT JUDGE